

**SD BOARD OF NURSING  
ANNUAL MEETING  
November 14 & 15, 2002**

**CALL TO ORDER**

November 14 2002, 8:30am

**ROLL CALL**

Present: Linda Benedict, Terry Prendergast, Carey Duffy, Gloria Damgaard, Lois Tschetter, Nancy Wahlstrom, Rita Wendt, Patricia Foster, Christine Pellet, Cindy Senger, Muriel Larson, Linda Bunkers.

**VISITORS**

Chris Novak; Marge Hegge, Colleagues in Caring Director; June Larson, University of South Dakota Nursing Chair; Carol Stuart, USD Nursing Director-Sioux Falls site; Bob Corio, USD Distance Delivery; Gary Larson, USD Distance Delivery; Kathy Manning, USD Distance Delivery; Lorall Karpiuk, USD Distance Delivery; Robin Brown, Lake Area Technical Institute/USD Nursing Director-Watertown; Carol Bergan, Dean of Nursing, Sisseton-Wahpeton College; William Bray, President Sisseton-Wahpeton College, Harvey Dumarce, Academic Dean, Sisseton-Wahpeton College; Kevin Dobbs, Reporter, Argus Leader Newspaper; Terry Kissner; Katina DeYoung

**SEPTEMBER 2002 MINUTES**

Amended and approved.

**AGENDA**

Add RN First Assistants to Announcements

**Motion** to approve by Nancy Wahlstrom; Second by Rita Wendt; Agenda Approved

**REPORTS**

**American Organization of Nurse Executive**

**NCLEX Quarterly Reports**

Gloria Damgaard, Executive Secretary reported to the Board that there has been a delay in receiving the final NCLEX Quarterly reports for the time period of July 1, 2002 to September 30, 2002 resulting from the transition to a new testing vendor. This report contains the October 1, 2001 - September 30, 2002, cumulative testing information that the Board utilizes to calculate the annual pass rates of each of the programs. A summary report of pass rates for candidates educated in SD nursing programs seeking licensure in SD was provided. A total of 268 1<sup>st</sup> time writers passed the examination for an overall pass rate of 87.8%.

### **Nurse Aide Quarterly Report**

Linda Benedict presented the <sup>3rd</sup> Quarter report. 21,751 CNAs have been entered on the registry to date. 35 student nurse transcript equivalency evaluations were completed during this quarter as compared to 8 a year ago. Phone inquiries for the quarter exceeded 1000.

### **FARB-"Model Code of Conduct"**

Gloria Damgaard, Executive Secretary, provided the Board members with a copy of the "Model Code of Conduct " for Board members of the Licensed Professions prepared by the Federation of Associations of Regulatory Boards.

### **Nursing Workforce Center**

The Robert Wood Johnson Foundation, Colleagues in Caring grant funding officially ended on July 1, 2002. A no-cost extension request was submitted to RWJ to allow the project to utilize the remaining grant funds through December 31, 2002, for personnel expenses. The SD Center for Nursing Workforce, which was created by a 2002 legislative initiative, will be funded by a \$10 fee assessed to nurses at the time of licensure renewal. Marge Hegge will continue as the project director

### **Office Relocation**

Gloria Damgaard, Executive Secretary presented a report on the relocation of the Board of Nursing office to 4305 South Louise Ave., Suite 201, on October 15, 2002.

**Motion:** Move into closed session by Patricia Foster, Second by Nancy Wahlstrom

### **CLOSED SESSION**

Jolene Gronholz The South Dakota Board of Nursing moved to accept the voluntary surrender of Jolene Gronholz's RN license.

**Motion:** by Lois Tschetter, Second by Nancy Wahlstrom: 7 YES, 1 ABSTENTION. Approved.

N.B. Board staff explained that a single medication error resulted in a complaint from her previous employer. Options under consideration:

- (1) Letter of Reprimand
- (2) Private Letter of Concern.

Board discussion.

**Motion:** by Nancy Wahlstrom. Second by Lois Tschetter: that the SD Board of Nursing dismiss the complaint against N.B. and issue a Private Letter of Concern.

7 YES, 1 ABSTENTION Passed.

Christopher Novak Board staff explained to the Board members that Mr. Novak had been convicted of a felony, Aggravated Assault in 1995. Board questions and discussion.

**Motion:** by Rita Wendt, Second by Lois Tschetter: the South Dakota Board of Nursing grant a nursing to Christopher Novak after successfully passing the NCLEX exam.  
7 YES, 1 ABSTENTION. Passed.

Annette Hernandez Board Staff summarized the facts of the case related to the Porcupine Dialysis Unit and the complaint

**Motion:** by Patricia Foster, Second by Rita Wendt: that the South Dakota Board of Nursing accept the proposed Stipulation and Order for Annette Hernandez, RN and modify paragraph 3 on page 4 to "Licensee may not hold a charge or supervisory position for the first four months of active practice." The Board also directed staff to communicate with the South Dakota Department of Health concerns that have arisen in regards to sharing information among state agencies.

7 YES, 1 ABSTENTION. Passed.

LN The Board negotiated a non-disciplinary 5-year probation monitoring settlement with LN in October 2000. LN's failure to provide reports was discussed at the November 2001 Board meeting. The Board filed a Complaint and Notice of Formal Hearing for the January 2002 Board meeting. LN and her attorney appeared before the Board in January 2002 and agreed to adhere to the original monitoring settlement. Linda Benedict apprised the Board that LN has not been providing quarterly reports as she had agreed to do. To address this issue, LN's attorney agreed to modify the settlement to include work site monitor quarterly reports. Upon Board approval, the modification would be presented to LN by her attorney.

**Motion #5** by Lois Tschetter, Second by Nancy Wahlstrom: that the SD Board of Nursing approve modification of non-disciplinary settlement as set forth in Terry Prendergast's letter to Brian Radke dated November 4, 2002 provided that a work site monitor be approved by Board staff by December 1, 2002. Passed 7 YES, 1 ABSTENTION.

Lapsed License Board staff reviewed a list of nurses that had practiced on a lapsed license for more than seven business days.

**Motion:** by Nancy Wahlstrom, Second by Lois Tschetter: that South Dakota Board of Nursing issue a Letter of Reprimand for practicing with lapsed licenses to Alan Sturm, RN, and Gayla Stewart, RN.

7 YES, 1 ABSTENTION. Passed.

Board Staff opened a discussion regarding the Letter of Reprimand for practicing on a lapsed license and whether a fine rather than disciplinary action would be more appropriate for a first offense.

**Motion:** by Patricia Foster, Second by Nancy Wahlstrom: direct staff to pursue a fine for lapsed license as part of the 2003 Legislative proposals.

Passed unanimously.

JJ Terry Prendergast: JJ's attorney Brett Merkl filed November 6 for a continuance and a motion to dismiss. Monday the motion hearing will be held.

## **BREAK**

## **OPEN SESSION**

### **Newsletter**

Gloria Damgaard presented an update on the progress of the Board's new magazine titled "The Dakota Nurse Connection". The first issue will be mailed December 26, 2002, and will be distributed to all nurses in North and South Dakota, employers of nurses and nursing education programs. Current plans are to publish the magazine on a quarterly basis.

### **Tuition Reimbursement Program**

Gloria Damgaard reported to the Board that 82 qualified applicants were received for the Tuition Reimbursement program. All 60 slots have been filled. The Department of Health has contracted with the Board of Nursing to administer the program.

### **Joint Powers Agreement - Nurse Aide Registry**

Gloria Damgaard provided information to the Board regarding changes to the 2003 Joint Powers Agreement for management of the Nurse Aide Registry.

**Motion #10** by Patty Foster, Second by Rita Wendt: that the SD Board of Nursing enter into the 2003 Joint Powers Agreement as presented by the SD Department of Health. Passed unanimously.

### **Fee Cap Increase Legislation**

Gloria Damgaard informed the Board that the Fee Cap Increase bill is being reviewed by the Governor's Office for filing as an agency bill in the 2003 Legislative Session. The nursing associations will be asked to support this bill in the 2003 Legislature. The fee cap increase bill would raise the maximum amount that the Board can charge for licensure fees. The actual fees are set in administrative rule. Fee caps are set high enough to allow the Board to raise fees as necessary. The current fee caps have not been changed for RNs and LPNs for 12 years and 20 years for the advanced practice nurses. This bill would make the fee caps uniform for each category of licensure. Currently there is considerable variation in the fee structure. If this legislation is successful, the Board will promulgate rules for a fee increase by July 1, 2003. The proposed fee increase would be \$7.50 per year for LPN and RN renewals which is the main revenue source for the Board. Advanced practice renewal fees will be increased to be the same as the RN and LPN renewal fee.

### **Felony Language for Unlicensed Practice & Volunteer Nurse**

Gloria Damgaard informed the Board that the Department of Commerce has asked if we intend to proceed with legislation that would make the unlicensed practice of CNPs and CNMs a felony in SDCL 36-9-A as previously discussed. Also there was discussion of legislation to create a volunteer license for the purpose of emergencies. There is an exemption in 36-9 that does not prohibit any nursing assistance in an emergency.

**Motion #11** by Patty Foster, Second by Rita Wendt: that the SD Board of Nursing staff advise the SD Department of Commerce that the SD Board of Nursing will not pursue active legislation regarding felony status for unlicensed practice as a CNP or CNM or volunteer nurses. Passed unanimously by voice vote.

## **Financial Reports**

Robert Garrigan, Board Accountant presented the financial reports for September and October 2002.

**Motion** by Rita Wendt to accept the financial reports as presented. Second by Cindy Senger, Passed unanimously.

## **Licensure Database, IFMC & Nursing Workforce Center**

Discussion was held regarding the limitations of current mainframe licensure system and the advantages of the Iowa Foundation for Medical Care Licensure software program that has the capability for on-line verification and renewal of licenses. Marge Hegge, Program Director for the Nursing Workforce Center presented information regarding the current systems limitations in the work of the center and committed financial support for moving to a new system.

**Motion:** by Muriel Larson, Second by Cindy Senger: the South Dakota Board of Nursing authorize Board staff to enter into a contract with IFMC for the Licensure data system according to the fee structure presented.

## **School Surveys**

Gloria Damgaard presented the report of the on site visit to the LPN Program at Lake Area Technical Institute On October 21, 2002.

**Motion #12** by Patty Foster, Second by Muriel Larson: that the Board approve the report for the Lake Area Technical Institute Practical Nursing Program and grant full on-going approval status. Passed unanimously in voice vote.

Gloria Damgaard presented the report of the on site visit to the Associate Degree RN program at the University of South Dakota. The site visitors reviewed all satellite programs as well as the main campus.

**Motion #13** by Rita Wendt, Second by Nancy Wahlstrom: that the Board approve the University of South Dakota school survey report with the recommendation that a mediation plan be implemented to address issues identified by second year students at the Vermillion campus with a report to the Board in January 2003 and grant continued full approval status to the nursing program. The Board grants full approval for the Distance Learning Program. 7 YES, 1 ABSTENTION. Passed unanimously in voice vote.

**NOVEMBER 15 2002**

**ELECTION OF OFFICERS**

The Board unanimously re-elected all current officers to the same positions currently held. Officers are: President, Linda Bunkers, Vice-President, Cindy Senger

**CLOSED SESSION**

**SISSETON-WAHPETON**

William Bray, President of Sisseton- Wahpeton College provided information to the Board regarding a name change of the college and plans to transition to baccalaureate programs to enhance the science courses at the college. Carol Bergan addressed the nursing program's plans to transition to a LPN program with the intent to admit students in Fall 2003. Pre-requisite status for the LPN program has already been granted by the Board. Carol Bergan informed the Board of the intent to seek Interim Approval status for the LPN program at the January Board meeting.

**Motion** by Lois Tschetter, Second by Rita Wendt: that the SD Board of Nursing extend the probationary approval of Sisseton-Wahpeton College RN program through May 2003 for teach out of the current 2<sup>nd</sup> year students. The approval status of the Sisseton Wahpeton Community College Associate Degree Nursing Program is officially withdrawn as of May 31, 2003. The Board endorses Sisseton-Wahpeton College restructuring for a LPN program, with review for interim approval planned for January 2003, pending receipt of the written proposal and a site review. Passed 7 YES, 1 ABSTENTION.

**OPEN SESSION**

**Sinte-Gleske Community College**

Gloria Damgaard informed the Board that Sinte-Gleske Community College in Rosebud was granted preliminary status to start a LPN Nursing Education Program and was advised of requirements for interim status. Sinte Gleske has not followed through on interim approval status, but have admitted and are teaching nursing students. Their graduates cannot write the Boards, but the state has no jurisdiction on the reservation, so cannot issue a "cease and desist" order. The current program director met with the Executive Secretary for instructions on how to proceed with interim approval status. She will inform the students enrolled in nursing classes that they are not being prepared for licensure.

**CLINICAL ENRICHMENT PROGRAMS**

**Rapid City Regional Hospital**  
**South Dakota Human Services Center**  
**Sioux Valley Hospital**  
**Avera Sacred Heart Hospital**

Gloria Damgaard presented evaluation reports for the 2002 clinical enrichment program for the above listed clinical enrichment programs. Each facility has requested approval to offer the programs in 2003.

**Motion** by Cindy Senger, Second by Rita Wendt: that the SD Board of Nursing accept the clinical enrichment program reports for Rapid City Regional Hospital, South Dakota Human Services Center, Sioux Valley Hospital, and Avera Sacred Heart Hospital, and grant continued approval for 2003.

Motion passed. 7 YES, 1 Abstention.

### **School Survey Schedule**

Fall 2003: SDSU and Oglala

February 2003: Dakota Wesleyan.

May be necessary to hire a consultant to accompany on visits, or Board members can do so.

Linda Benedict assisted Gloria on autumn site visits. Cindy Senger says she may be available to accompany to Dakota Wesleyan in February. Linda Bunkers suggests that she may be able to train, help as well.

**Motion** by Nancy Wahlstrom, Second by Rita Wendt: that the SD Board of Nursing authorize the staff to enter into a contract with a consultant regarding school surveys if appropriate.

7 YES, 1 Abstention. Passed.

### **CHRISTMAS OPEN HOUSE**

December 11, 2002, 3-5pm - A joint venture between BON & SD Nursing Workforce Center.

### **UPCOMING EVENTS**

SD Nurses Association Nurses Day at the Legislature: January 27-28 2003

Next SD Board of Nursing Board Meeting: January 2003

National Council in Savannah GA: March 25-27 2003

Board Meeting April 25 - April 27 2003

National Council Delegate Assembly in Alexandria VA: August 2003

### **ANNOUNCEMENTS**

Gloria: Adele Jacobson called to say: name change at Huron U. to "Si Tonka at Huron."

Linda Benedict: The Nurse Practitioners Association of South Dakota has appointed a task force to review advance practice regulatory models.

Linda Benedict: Sue McNaboe will be starting the ground work to address reimbursement issues for properly educated registered nurse first assistants legislatively.

### **PRESENTATION COLLEGE**

Janice Williams, Director of the Nursing Program at Presentation College was present to request an extension of the probationary status of the associate degree nursing program for an additional year. Dr. Williams also presented information on the proposed expansion of the Associate Degree and Baccalaureate programs into Minnesota.

**Motion** by Nancy Wahlstrom, Second by Lois Tschetter: that the SD Board of Nursing extend probation status of the AD program at Presentation College to accommodate NCLEX pass

rates for 2003 and endorse the concept of reorganization by the AD and BS programs to extend across state lines for distance education duly approved for Minnesota and South Dakota - Passed unanimously in a voice vote.

## **CLOSED SESSION**

### **Katina DeYoung**

Board staff presented licensee's request to modify her Order of Reinstatement with Probation, related to the supervision requirement from one year to six months.

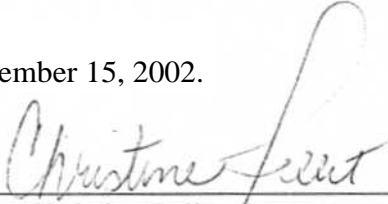
Board discussion.

**Motion:** by Lois Tschetter, Second by Nancy Wahlstrom: the South Dakota Board of Nursing deny the request for modification of the Order of Reinstatement with Probation.

7 YES, 1 Abstention. Passed.

## **ADJOURN**

The Board Meeting was adjourned at noon on November 15, 2002.

  
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Christine Pellet, Secretary